

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: OCTOBER 3, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: RQR-22126 - APPLICANT: CLEAR CHANNEL OUTDOOR -  
OWNER: POOLE-SANFORD LLC**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 19, 2007 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.***

**\*\* CONDITIONS \*\***

The Planning Commission (7-0 vote) and staff recommend DENIAL.

**Planning and Development**

1. This Special Use Permit shall be reviewed in three (3) years at which time the City Council may require the Off-Premise Advertising (Billboard) Sign be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Advertising (Billboard) Sign is removed.
2. All of the supporting structure shall be repainted, as required by the Planning and Development Department, within 30 days of final approval of this review by the City Council. Failure to perform the required painting may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
3. The applicant shall provide written approval from the Nevada Department of Transportation (NDOT) within 60 days stating that the sign's location is acceptable.
4. The Off-Premise Advertising (Billboard) Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
5. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
6. If the existing off-premise sign is voluntarily demolished, this Special Use Permit shall be expunged and a new off-premise sign shall not be permitted in the same location unless a Special Use Permit is approved for the new structure by the City Council.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Required Three Year Review of an approved Special Use Permit (U-0010-97) which allowed a 40-foot high, 14-foot x 48-foot Off-Premise Advertising (Billboard) Sign at 3901 North Rancho Drive.

This is the third review of the subject Off-Premise Advertising (Billboard) Sign. The subject Off-Premise Advertising (Billboard) Sign is not considered appropriate. The sign does not have final inspections on building permits, is located in dedicated right-of-way, and is located in the Billboard Exclusionary Zone. Denial of this request is recommended.

**BACKGROUND INFORMATION**

| <b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b> |  |
|---|--|
| 04/28/97*   | The City Council approved an appeal for a Special Use Permit (U-0010-97) for this Off-Premise Advertising (Billboard) Sign on the site, subject to a five-year review. The Board of Zoning Adjustment recommended denial. Staff recommended approval.                                      |
| 06/05/02  | The City Council approved a Required Five Year Review [U-0010-97(1)] of this Off-Premise Advertising (Billboard) Sign, subject to a two-year review. The Planning Commission and staff both recommended approval.  |
| 07/07/04  | The City Council approved a Required Two Year Review (RQR-4270) of an approved Special Use Permit (U-0010-97) which allowed a 40-foot high, 14-foot x 48-foot Off-Premise Advertising (Billboard) Sign at 3901 North Rancho Drive. The Planning Commission and staff recommended approval. |
| 08/23/07  | <a href="#">The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #35/ng).</a>   |
| <b><i>Related Building Permits/Business Licenses</i></b>                  |  |
| 07/10/97  | A building permit (#97014186) was issued for the subject sign. The permit expired on 08/15/98. A final inspection was not conducted.   |
| 12/09/97  | A building permit (#97024532) was issued for electrical service for the subject sign. The permit expired on 08/15/98. A final inspection was not conducted.  |
| <b><i>Pre-Application Meeting</i></b>                                     |  |
| A pre-application meeting is not required, nor was one held.              |  |
| <b><i>Neighborhood Meeting</i></b>  |  |
| A neighborhood meeting is not required, nor was one held.                 |  |
| <b><i>Field Check</i></b>   |  |
| 06/08/07  | A site inspection was conducted and photographs were taken. It was noted that the sign structure would need to be re-painted.  |

| <b>Details of Application Request</b> |      |
|---------------------------------------|------|
| <b>Site Area</b>                      |      |
| Net Acres                             | 1.89 |

| <b>Surrounding Property</b> | <b>Existing Land Use</b>                 | <b>Planned Land Use</b>         | <b>Existing Zoning</b>   |
|-----------------------------|--|---------------------------------|--------------------------|
| Subject Property            | Commercial                               | SC (Service Commercial)         | C-1 (Limited Commercial) |
| North                       | Undeveloped                              | SC (Service Commercial)         | C-1 (Limited Commercial) |
| South                       | Undeveloped                              | SC (Service Commercial)         | C-1 (Limited Commercial) |
| East                        | Commercial                               | SC (Service Commercial)         | C-2 (General Commercial) |
| West                        | Single Family Residential (Clark County) | RE (Rural Estates) Clark County | Clark County             |

| <b>Special Districts/Zones</b>                    | <b>Yes</b> | <b>No</b> | <b>Compliance</b> |
|---|------------|-----------|-------------------|
| <b>Special Area Plan</b>                          |            | X         | N/A               |
| <b>Special Districts/Zones</b>                    | <b>Yes</b> | <b>No</b> | <b>Compliance</b> |
| <b>Special Purpose and Overlay Districts</b>      |            |           |                   |
| A-O Airport Overlay District (105-foot)           | X          |           | Y                 |
| <b>Trails</b>                                     |            | X         | N/A               |
| <b>Rural Preservation Overlay District</b>        |            | X         | N/A               |
| <b>Development Impact Notification Assessment</b> |            | X         | N/A               |
| <b>Project of Regional Significance</b>           |            | X         | N/A               |

## DEVELOPMENT STANDARDS

| <b>Standards</b> | <b>Code Requirement</b>  | <b>Provided</b>   | <b>Compliance</b> |
|------------------|--|---|-------------------|
| Location         | No Off-Premise Advertising (Billboard) Sign may be located within the public right-of-way. May not be located within the Off-Premise Sign Exclusionary Zone except in exempted areas | Located within the Exclusionary Zone                      | N                 |
| Zoning           | Off-Premise Advertising (Billboard) Signs are permitted in the C-1, C-2, C-M and M Zoning Districts only   | Located within a C-1 (Limited Commercial) zoning district | Y                 |

|                                       |   |  |   |
|---------------------------------------|---|--|---|
| Area                                  | No Off-Premise Advertising (Billboard) Signs shall have a surface area greater than 672 square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet. | 672 SF   | Y |
| Height                                | No higher than 40 feet from grade at the point of construction  | Maximum height of 40 feet from grade                                   | Y |
| Screening                             | All structural elements of an Off-Premise Advertising (Billboard) Sign to which the display panels are attached shall be screened from view.  | Screened   | Y |
| Off-Premise Advertisement (Billboard) | At least 300 feet to another Off Premise Sign   | 345 feet to another Off Premise Sign                                   | Y |
| Off-Premise Advertisement (Billboard) | At least 300 feet to the nearest property line of a lot in any "R" zoned district.  | 304 feet from "R" zoned property to the west.                          | Y |
| Other                                 | All Off-Premise Advertising (Billboard) Signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.   | Permanently secured to ground; located on strictly commercial property | Y |

## ANALYSIS

This is the third review of the subject Off-Premise Advertising (Billboard) Sign. The Off-Premise Advertising (Billboard) Sign is deficient in several areas. The Off-Premise Advertising (Billboard) Sign is located in the Billboard Exclusionary Zone. The Off-Premise Advertising (Billboard) Sign does not have final inspections on the building permits. Additionally, the sign

is located in the Rancho Drive right-of-way. This is future dedicated right-of-way that is in the jurisdiction of the Nevada Department of Transportation (NDOT). Written approval from NDOT regarding the Off-Premise Advertising (Billboard) Sign location shall be provided. The Off-Premise Advertising (Billboard) Signs structure shall be re-painted.

## **FINDINGS**

The subject Off-Premise Advertising (Billboard) Sign is not considered appropriate. The sign does not have final inspections on building permits, is located in dedicated right-of-way, and is located in the Billboard Exclusionary Zone. Denial of this request is recommended.

## **NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 3

### **ASSEMBLY DISTRICT** 4

### **SENATE DISTRICT** 1

### **NOTICES MAILED** 267 by City Clerk

### **APPROVALS** 0

### **PROTESTS** 3